

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07cr277

UNITED STATES OF AMERICA

vs.

DAVID WILLIS

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ORDER

THIS MATTER is before the Court upon motion of the defendant, (Doc. No. 64), to reconsider the dismissal, (Doc. No. 63: Order), of his motion to expedite, (Doc. No. 61), filed in relation to his motion for habeas corpus relief (Case No. 3:08cv517, Doc. No. 1).

The defendant complains that the motion to expedite was filed in his criminal case. (Doc. No. 64: Motion at 2). However, the defendant captioned the motion with the criminal case number. The defendant previously filed a separate motion to expedite which was docketed in the civil case. (Case No. 3:08cv517, Doc. No. 3). The Court finds that the defendant has not been prejudiced by the filing of the subsequent motion to expedite, (Doc. No. 61), in the criminal case.

Next, the defendant asserts he was entitled to judgment in his favor when the government did not respond to his habeas corpus petition within the time period ordered by the Court. (Doc. No. 64: Motion at 1). The Court has not ordered the government to respond and may dispose of the petition sua sponte. 28 U.S.C. § 2243.

Finally, the defendant seeks to alter or amend the Court's denial his petition for a writ of habeas corpus. (Doc. No. 64: Motion at 2). The Court's Order denying the motion to expedite, (Doc. No. 61), did not reach the merits of his habeas corpus petition, (Doc. No. 63: Order). Accordingly, there is no judgment on his petition which could be altered or amended.

IT IS THEREFORE ORDERED that the defendant's motion to reconsider (Doc. No. 64) is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, and to the United States Attorney.

Signed: January 16, 2009

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

